IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24234 of 2004

Between:

Smt. Eali Satyavathi, W/o. Late Veeraswamy Naidu,
R/o. Door No. 26-1-40, Venkateswara Swamy Matt,
Rajahmundry

..... PETITIONER

AND

1 The Regional Joint Commissioner of Endowments Department,

Kakinada.
2 The Deputy Commissioner of Endowments Departments, Kakinada.
3 Sri Venkateswara Swamy Matt, rep by its Executive Officer,

Rajahmundry, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in seeking to evict the petitioners from the house admeasuring 107 Sq.yards in T.S.No. 1289/1/A at Devi Chowk, Rajahmundry without passing any order on the petitioners stay application filed along with the revision preferred by the petitioner before the first respondent as being illegal, arbitrary and unconstitutional and consequently direct the respondents not to interfere with the petitioners rights and possession over the said house in any manner by execution of the orders in O.A.No. 38 of 96 on the file of the 3rd respondent or otherwise and pass such further order or orders.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY
Counsel for the Respondents 1 and 2: GP FOR ENDOWMENTS
Counsel for the third respondent: Smt. N. Indrani, SC for temples.

The Court at the stage of admission made the following ORDER:

The proceedings under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987(for short 'the Act') have been initiated against the petitioner before the Deputy Commissioner of Endowments, Kakinada. Through an order dated 26.02.2002, the second respondent declared the petitioner as encroacher and directed her eviction. The petitioner availed the remedy of revision under Section 92 of the Act, before the first respondent. She also filed an application for stay. Her grievance is that the first respondent has not passed any orders in the stay petition so far, and in the meanwhile she is sought to be evicted.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and learned standing counsel for the third respondent.

The limited grievance of the petitioner is as regards the steps initiated against her during pendency of the revision by her. If the petitioner is evicted even while the revision is pending, the revision itself would become infructuous. The interests of the petitioner as well as the third respondent institution have to be protected, pending disposal of the revision by the first respondent.

Taking the totality of the circumstances into account, the writ petition is disposed of directing that the petitioner shall not be evicted from the premises, on condition that she shall deposit the rent at the rate of Rs.500/- (Rupees Five hundred only) per month for the premises in question commencing from the 1st of December 2004. There shall be no order as to costs.

27.12.2004

ksld

To

1 The Regional Joint Commissioner of Endowments Department,

Kakinada.
2 The Deputy Commissioner of Endowments Departments, Kakinada.
3 Two CCs., to the G.P. for Endowments, High Court of A.P.,

Hyderabad (OUT).

4 The Executive Officer, Sri Venkateswara Swamy Math, Rajahmundry,

East Godavari district.

5 Two CD copies.